

SENATE BILL No. 117

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-9-1.

Synopsis: Candidate's committees. Requires a candidate's committee to disband if the individual whose candidacy the committee was formed to support has not been a candidate for any office during the previous five years.

Effective: July 1, 2016.

Randolph Lonnie M

January 5, 2016, read first time and referred to Committee on Elections.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 117

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-9-1-12, AS AMENDED BY P.L.225-2011,
2 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 12. (a) **Subject to section 12.5 of this chapter**,
4 a committee may disband at any time in the manner prescribed by this
5 section.
6 (b) The commission or a county election board may administratively
7 disband a committee in the manner prescribed by this section. **The**
8 **commission or the county election board shall administratively**
9 **disband a candidate's committee described by section 12.5 of this**
10 **chapter.**
11 (c) The commission has exclusive jurisdiction to disband any of the
12 following:
13 (1) A candidate's committee for state office.
14 (2) A candidate's committee for legislative office.
15 (3) A legislative caucus committee.
16 (4) A political action committee that has filed a statement or
17 report with the election division.



(5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for a local office.

(2) A candidate's committee for a school board office.

(3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.

(4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

(e) The commission or a county election board may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:

(A) The committee has not filed any report of expenditures during the previous three (3) calendar years.

(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

(B) According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

If the commission or board finds that a candidate's committee is described by section 12.5 of this chapter, the commission or



board shall issue an order administratively dissolving the committee.

(5) If the commission or board:

(A) administratively dissolves a committee under subdivision (4); and

(B) finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust;

the commission or board may also waive the outstanding civil penalty previously imposed by the commission or board against the committee.

(6) The election division shall arrange for the publication in the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

(7) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.

(C) The election division.

(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(E) Contributors to the committee, on a pro rata basis.

(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from any:

(1) civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by or on behalf of the committee; or

(2) criminal liability.

SECTION 2. IC 3-9-1-12.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 2016]: **Sec. 12.5. A candidate's committee shall disband under**
2 **section 12 of this chapter if the individual whose candidacy the**
3 **committee was formed to support has not been a candidate for any**
4 **office during the previous five (5) years.**

